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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,467	10/17/2003	Sidney Gibson	34650.2	3050
32300	7590	10/05/2005	EXAMINER	
BRIGGS AND MORGAN P.A. 2200 IDS CENTER 80 SOUTH 8TH ST MINNEAPOLIS, MN 55402			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,467

Applicant(s)

GIBSON, SIDNEY

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a first office action .

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Meagher (US Patent No. 6,230,454).

Meagher shows and teaches a system for construction of a raiser framework, comprising: a structure member (40) being inherently cut in a predetermined length, treads (44), a plurality of modular brackets (10) made of reinforce plastic, each including a front section (14), a top section (16) inherently having apertures to receive bolts (46) fastened from the top, a lower section (22) inherently having at least one bottom edge (18), a back end edge, a bracing member (12, 34) having aperture (38) for receiving fasteners for securely attaching the brackets to the side of the structure member, and the treads (44) being placed and secured on the top sections of the brackets to provide a series of raisers.

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3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Wack et al. (US Patent Application Publication No. 2003/0029103).

The Canadian reference shows and teaches a system for construction of a raiser framework, comprising (see Fig. 1. and Fig. 5): a structure member being inherently cut in a predetermined length, treads (T), a plurality of modular brackets (12, 80) made of plastic, each including a top section (22, or 86) with apertures, a lower section (24, or 100) inherently having a bottom edge, a front section (18 or 82), a back end edge (20, 84), a bracing member (28) having aperture for receiving bolts (B) to securely attach the bracket to the structure member, and the treads (T) being placed and secured on the top sections of the brackets to provide a series of raisers.

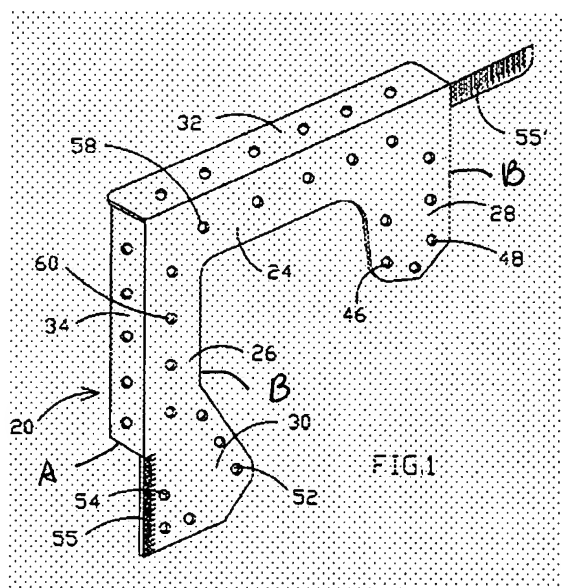
4. Claims 1-4, 6-7, 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Vochatzer (US Patent No. 4,709,520).

Vochatzer shows and teaches a system for construction of a raiser framework, comprising: a structure member (11) being inherently cut in a predetermined length and secured between a support member (21) and a top member (67), treads (71), a plurality of modular brackets (41) each including a front section (45), a top section (53) having apertures (61) formed thereon, a lower section (559, 58) inherently having at least one bottom edge, a back end edge (43), a bracing member (42, 52) having aperture (61) to be securely attached to the side of the structure member, and the treads (71) being placed and secured on the top sections of the brackets to provide a series of raisers.

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5. Claims 1-4, 5-7, 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gobeil (US Patent No.6,758,016).

Gobeil shows and teaches a system for construction of a raiser framework, comprising: a structure member (22) being inherently cut in a predetermined length, treads (36), a plurality of modular brackets (20) each including a top section (32) having apertures (40) formed thereon, a lower section (24, 26, 28), a front section (34) having apertures (42), at least one bottom edge (A), a back end edge (B), a bracing member (28, 30) having aperture (46, 48; 52, 54) to be securely attached to the side of the structure member, and the treads (14) being placed and secured on the top sections of the brackets to provide a series of raisers.



Citations

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Lawrence '977, Grenier '529, Wallace '101, Fischer '879, Dean '687, Reimann '722, and Wille '483 teach various riser frameworks having brackets as similar to the claimed invention.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3637